



Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.

Nays — None.

**Department of Public Works  
City Engineering Division**

May 25, 2000

Honorable City Council:

Re: Petition No. 2127 — Masco Tech-Braun, requesting to encroach into the public right-of-way for installation of electrical conduit to service substation in the area of 19001 Glendale.

Petition No. 2127 of "Masco Tech-Braun" 19001 Glendale Ave., Detroit, Michigan 48223-3475, request permission to install and maintain a privately

owned underground duct bank approximately 520' in length and approximately 30' from property line; with one (1) 6' x 8' x 7' manhole [proposed use: private electrical power supply from substation to facility] beneath Artesian Avenue, 86 feet wide, between Glendale Avenue, 60 feet wide and the Railroad right-of-way.

The petition was referred to City Engineering Division — DPW for investigation and report. This is our report:

Duct system placement beneath Artesian Avenue (86 feet wide) involves a public street "open cut." Masco Tech-Braun, must obtain permits from City Engineering Division — DPW for any street opening, backfill, surface restoration, barricade, or occupancy of city rights-of-way to install a duct system.

The Public Lighting Department (PLD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three feet between PLD facilities and the proposed "Masco Tech-Braun" underground duct bank. The Detroit Water and Sewerage Department (DWSD) will require a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes (and any other DWSD facilities) and the proposed "Masco Tech-Braun" underground duct bank. Also, reports from Michigan Consolidated Gas Company indicates there is gas service which crosses the proposed duct right-of-way at approximately 534 feet south of the south line of Glendale. Should damages to utilities occur the petitioner shall be liable for all incidental repair costs and waives all claims for damages to the encroaching installation.

All other city departments and privately owned utility companies reported no objections to the proposed encroachment(s); provided Masco Tech-Braun uses "care and caution" in the "open cut" of Artesian Avenue. They request the petitioner make use of "Miss Dig" facilities before installation-placement, and then become a participating member of that organization. This will minimize the chance of damage to Masco Tech-Braun property.

Finally, the City Engineering Division — DPW requires "Masco Tech-Braun" to submit certified "as built" drawings, a map and survey, showing the exact location of the petitioner's completed duct system installation.

I am recommending adoption of the attached resolution.

Respectfully submitted,  
**SUNDAY JAIYESIMI**  
 City Engineer

City Engineering Division — DPW  
 By Council Member Everett:

Whereas, Petition No. 2127 of "Masco Tech-Braun" 19001 Glendale Ave., Detroit, Michigan 48223-3475, request permission to install and maintain a privately owned underground duct bank approximately 520' in length and approximately 30' from property line; with one (1) 6' x 8' x 7' manhole [proposed use: private electrical power supply from substation to facility] beneath Artesian Avenue, 86 feet wide, between Glendale Avenue, 60 feet wide and the Railroad right-of-way; therefore be it

Resolved, The City Engineering Division — DPW is hereby authorized and directed to issue permits to 'Masco Tech-Braun' to encroach underground beneath the public street right-of-way of Artesian Avenue, 86 feet wide, between Glendale

Avenue, 60 feet wide and the Railroad right-of-way, adjacent to land described (in part) as follows:

Lots 60 and 61 of "B. E. Taylor's Brightmoor Consolidated Railroad Sites Subdivision", lying south of Grand River Avenue, being a part of the NW 1/4 of Sec. 26, T.1S., R.10E., Redford Twp. (now Detroit), Michigan as recorded in Liber 52, Page 48 Plats, Wayne County Records; (a/k/a part of 19001 Glendale Avenue).

Encroachment to consist of installing and maintaining a privately owned underground duct bank approximately 520' in length and approximately 30' from property line; with one (1) 6' x 8' x 7' manhole [proposed use: private electrical power supply from substation to facility] beneath Artesian Avenue, 86 feet wide, between Glendale Avenue, 60 feet wide and the Railroad right-of-way (a/k/a part of 19001 Glendale Avenue):

Provided, Whenever it becomes necessary to open-cut a public street, bore, jack, occupy or barricade city rights-of-way for construction or duct system placement, such work shall be according to detailed permit application drawings (to be submitted by the petitioner, subject to city department review and stamp approvals) prior to any public right-of-way construction; and further

Provided, Said duct system installation and maintenance shall be according to the specifications of the Public Lighting Department (PLD), including the minimum vertical clearance of one foot, and a minimum horizontal clearance of three feet between PLD facilities and the proposed "Masco Tech-Braun" underground duct bank. Also, said duct system installation shall be according to the specifications of the Detroit Water and Sewerage Department (DWSD), including a minimum vertical clearance of one foot, and a minimum horizontal clearance of three and one-half feet between DWSD sewers, drains, water mains, fire hydrants, catch basins, sewer and water manholes or shut-offs (and any other DWSD facilities) and the proposed "Masco Tech-Braun" underground duct bank; and further

Provided, All costs for the construction, maintenance, permits and use of said encroachment shall be borne by the petitioner. Should damages to utilities occur, the petitioner shall be liable for all incidental repair costs and waives claims for any damages to the encroaching installations; and further

Provided, If it becomes necessary to repair or replace the utilities located or to be located in Artesian Avenue (86 feet wide), by the acceptance of this permission the owners for themselves, their heirs or assigns, waive claims for any damages to the encroaching, installations and agree to pay the costs incurred in their removal and/or alteration, if their removal

and/or alteration becomes necessary, and to restore the property affected to a condition satisfactory to the City Engineering Division — DPW at “Masco Tech-Braun”, the duct system owner’s expense; and further

Provided, The petitioner “Masco Tech-Braun”, shall file with the Finance Department an indemnity agreement approved by the Law Department, saving and protecting the City of Detroit from any and all claims, damages, or expenses that may arise by reason of the issuance of said permits and the faithful or unfaithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and further

Provided, That no other rights in the public street or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the City Council, and the public property affected shall be restored to a condition satisfactory to the City Engineering Division — DPW at the permittee’s expense; and further

Provided, This resolution is revocable at the will, whim, or caprice of the City Council, and the permittee hereby waives any right to claim damages or compensation for removal of encroachment(s), and further, that the permittee acquires no implied or other privileges hereunder not expressly stated herein; and further

Provided, That “Masco Tech-Braun” shall apply to become a participating member of the “Miss Dig” organization; and further

Provided, The placement and maintenance of duct system encroachments in public rights-of-way shall be construed as acceptance by “Masco Tech-Braun”. Notwithstanding the fact that the filing of the indemnity agreement and the securing of the necessary permit(s) referred to above in this resolution are stipulations of this encroachment (permission) grant; and further

Provided, That the encroachment permit shall not be assigned or transferred without the written approval of the City Council; and further

Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds; and further

Resolved, The petitioner “Masco Tech-Braun”, owner of the duct system encroachments shall submit two copies of “as built” drawing(s) sealed by a professional engineer registered in the State of Michigan to the City Engineering Division — DPW within 30 days after obtaining the necessary “construction” permit(s) to

install the duct system encroachments. Said “as built” drawing(s) shall furnish a complete means of identifying and ascertaining the precise position of every part of the “encroachments” with courses, distances, and depth throughout (containing City of Detroit datum), so that it may be determined with certainty where any portion of the “encroachment” has been built. Copies of the certified “as built” map(s) and survey(s) shall be an “appendix” to this resolution. One copy of said “appendix” shall be recorded by the City Engineering Division — DPW in the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members K. Cockrel, Jr., S. Cockrel, Everett, Hood, Mahaffey, Scott, Tinsley-Talabi, and President Hill — 8.

Nays — None.

### Department of Public Works City Engineering Division

June 7, 2000

Honorable City Council:

Re: Petition No. 1781 - Crosswinds Communities, request to vacate certain public alleys and to provide a easement over private property, east of Woodward in the Brush Park Community for a Crosswinds Communities Condominium development in Detroit, Michigan known as Woodward Place in Brush Park.

Petition No. 1781 of “Crosswinds Communities,” request the outright vacation of portions of the north-south public alley, 20 feet wide, and the acceptance by the City of a easement, 20 feet wide, over private property for ingress and egress, all in the block bounded by Woodward, 120 feet wide, John R, 60 feet wide, Adelaide, 60 feet wide and Alfred, 60 feet wide.

The request was approved by the Solid Waste Division- DPW, and the Traffic Engineering Division - DPW. The petition was referred to the City Engineering Division - DPW for investigation (utility review) and report. This is our report.

The petitioner plans to install a paved return entrance into Woodward Ave (M-1). The petitioner must obtain a permit from the Michigan Department of Transportation (MDOT) for any work in the Woodward Ave. right-of-way. Removal and construction of new approach and sidewalk shall be done under MDOT permit and inspection according to MDOT specifications with all costs borne by the petitioner.

The Detroit Water and Sewerage Department (DWSD) have no objections to outright vacate the alleys provided that all properties abutting the alley are owned by the petitioner.

The Detroit Edison Company (DeCo) reports, in order to accommodate the alley vacation DeCo must remove and